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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-seventh session

SUMMARY RECORD OF THE 715th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 5 June 2001, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Bhutan (CRC/C/3/Add.60; HRI/CORE/1/Add.105; CRC/C/Q/BHU/1; written replies of the Government of Bhutan to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Bhutan took places at the Committee table.

2. Mr. NGEDUP (Bhutan) suggested that a minute of silence should be observed as a mark of respect for the Nepalese royal family, who had recently died in tragic circumstances.

3. At the invitation of the Chairperson, the members of the Committee observed a minute of silence.

4. The CHAIRPERSON expressed the Committee's sincere condolences for the tragic deaths.

5. Mr. NGEDUP (Bhutan) said that "the future of the nation lies in the hands of our children" had become a mantra for his Government, acquiring greater strength each time it was repeated. The development and protection of children had always been a priority for Bhutanese society and, currently, 25.1 per cent of government expenditure went to basic social services. The previous 40 years of planned development had greatly improved children's chances of survival and standard of living. In 1960, children had faced only a 50 per cent chance of survival, and a life expectancy of 35 years; there had been only two trained doctors, 11 primary schools and 400 students in Bhutan. Currently, children had a 92 per cent chance of surviving until the age of five, and their health and development were monitored regularly by the local Health Centre. Eighty-three per cent of children completed at least five years of education, which they received free of charge from the age of six. Forty per cent completed 11 years of education and 30 per cent went on to further academic study.

6. Most children aspired to a limited number of secure jobs in the civil service, with the fledging private sector offering a less attractive alternative. Many preferred to stay with relatives in the towns rather than to go back to rural communities, even when few employment opportunities were available. That led to frequent disillusionment, a sense of betrayal and even drug-taking and petty crime.

7. Children needed guidance if they were to become responsible adults, which implied an awareness of their rights and responsibilities, an appreciation of the value of tolerance and compassion and a sense of competitiveness to succeed in the market economy. In his country, the child mortality rate was still too high, micro-nutrient deficiency was still too common and primary education coverage remained unsatisfactory. Distressed by the apparent disillusionment of young people, his Government had responded by developing a more holistic education

programme, which involved vocational and sporting activities and favoured a child-centred approach to learning. It included initiatives such as counselling for children on career opportunities, HIV/AIDS and substance abuse.

8. Bhutan 20/20: A Vision for Peace, Prosperity and Happiness, a document which attempted to plan development for the next 20 years, maintained the position of children as central to that vision. The ratification of the Convention reflected the belief that children's rights should be enshrined in law as opposed to a looser framework of traditional obligations. Bhutan's relatively late development, fragile economy, difficult geography and scattered settlement patterns represented formidable challenges to extending social services. The Government planned to overcome those difficulties by strengthening community participation in social service provision, consolidating the traditional agricultural sector, and investing carefully in selected economic activities such as the generation of hydroelectric power. It had recently created a Health Trust Fund to meet the costs of vaccines and drugs, as well as a Youth Development Fund for child-related activities.

9. The legal system was changing to adapt to new demands. Law enforcement officials received specialized training, and a number of new laws had been drafted, including the Juvenile Justice Act, the draft law on immoral trafficking and the Narcotic and Psychotropic Drugs Act. He expected the Civil and Criminal Procedures Code to be enacted shortly at a session of the National Assembly; the Code would represent another important step towards harmonization with modern jurisprudence.

10. Bhutan's relatively small size made it vulnerable to a variety of threats to security. Currently, such threats were posed by illegal immigration, the problem of refugee camps in eastern Nepal and the infiltration of the south-eastern forests by armed militants from the Indian State of Assam. The Government had made it a priority to resolve those problems.

11. The process of change affecting Bhutanese society, although partially engineered by socio-economic development programmes, was in other ways beyond the comprehension and control of his Government. Nevertheless, under the strong guidance of its King, his country had been following a development strategy known as Gross National Happiness, in which the individual, and particularly the child, played a central role. It was pursuing a policy of decentralization as a means of giving individuals greater control over their own destiny. To that end, the King had devolved all executive powers to an elected Council of Ministers in 1998, and a decision had been taken to develop a ninth socio-economic plan, based on the suggestions of community representatives.

12. Ms. KARP said that she felt privileged, in her capacity as country rapporteur, to discover the unique holistic vision that lay behind the development process in Bhutan. In the context of the concept of national happiness, it was refreshing to see children placed at the forefront of development. She noted the important progress made in the field of children's rights, which had been achieved in spite of a variety of structural and financial problems. Ratification of the Convention, celebration of Children's Day on 11 November and the development of a National Plan of Action for Children had been followed up with the pursuit of cross-sectoral programmes, in line with the Committee's recommended approach. She welcomed the increased investment

in social services and the efforts to involve the community in government programmes. She noted with satisfaction the Government's cooperation with international non-governmental organizations (NGOs), UNICEF and prison monitors from the International Committee of the Red Cross. Referring to a booklet jointly produced by the Government of Bhutan and UNICEF, entitled "The Future of the Nation Lies in the Hands of Our Children", she welcomed the emphasis on the current needs of children, illustrated by the poem by Gabriela Mistral: "My Name is Today./Many of the things we need can wait./The Child cannot."

13. Although it had been received late, the initial report had been produced in accordance with the guidelines of the Committee, and gave valuable information on social welfare. Nevertheless, it paid very little attention to human rights issues such as discrimination, child abuse and sexual exploitation, and entirely ignored the situation of the Lhotshampas in refugee camps. She would appreciate further details on those issues. She would also welcome information on the status of the Convention in national law. Could judges refer to the Convention in legal proceedings? If so, what were the issues covered by cases in which the Convention had been cited?

14. She inquired whether the Government had considered introducing a Children's Code into national legislation. It was stated in paragraph 37 of the report that a specific law to protect children was unnecessary, since there were too few social problems to legislate against. Yet the Government had acknowledged in its written replies that children's welfare from a rights-based perspective was a new experience for Bhutanese society. It would be useful to introduce a Children's Code in order to raise awareness of the rights-based approach and to highlight the principles contained in the Convention. She would also welcome further information concerning the joint UNICEF and Government workshop on the rights-based approach. The "empowerment" of children, referred to in paragraph 17 of the report, was a key concept in the development of a rights-based approach. Once the principles laid down in the Convention had been discussed by society and in the National Assembly, guidelines for their incorporation in new legislation should be compiled.

15. Noting that the only other United Nations human rights treaty ratified by Bhutan was the Convention on the Elimination of All Forms of Discrimination against Women, she urged the Government to consider acceding to other instruments since the rights they recognized were interrelated.

16. The report provided no information about the living conditions of Bhutanese refugees in Nepal. As some were undoubtedly Bhutanese nationals and many were of Bhutanese origin, Bhutan had a duty to protect and enforce their rights. She understood that the joint verification process to determine their nationality status was proceeding at a very slow pace and that it would take a further seven or eight years to publish the results. She urged the State party to take steps to speed up the process and to make preparations for the return of the refugees, thereby honouring its obligations under articles 7 and 8 of the Convention.

17. Ms. CHUTIKUL asked when the Child Rights Task Force had been established and whether it was an ad hoc or a permanent body. She would appreciate additional information about its composition, mandate and funding, its plans for the future and the procedure for coordinating its work with that of the District and Block Development Committees.

18. It would be helpful, for both monitoring and implementation purposes, if Bhutan could compile data disaggregated by cultural group and district.

19. She asked what action was being taken to ensure 100 per cent school enrolment and to bridge the three- to four-year gap between the minimum school-leaving age and the minimum age for employment.

20. Ms. OUEDRAOGO inquired about the status of the Convention in relation to customary law.

21. Urging the authorities to lay more emphasis on a rights-based approach, she asked what action was being taken to make the Convention known to the general public and to children in particular, whether it had been translated into local languages and whether professionals had been trained to apply Convention principles in their daily work. Were there any plans to incorporate the Convention in school curricula?

22. She wished to know whether NGOs had been involved in the preparation of the report and whether there was a network or coalition of NGOs that focused on implementation of the Convention. Had the report been widely disseminated?

23. The articles defining the child in Bhutanese law were not in keeping with the Convention. In particular, they tended to discriminate between boys and girls, for example those concerning the minimum age for marriage and the age of majority. Were there any plans to bring the legislation into conformity with the Convention? The minimum age of 15 for voluntary enrolment in the armed forces was too low. According to paragraph 32 of the report, employment of any kind for children was prohibited but no minimum age for employment was specified. No information was given either concerning the minimum age for sexual consent and the minimum age of criminal responsibility. Were there plans to set minimum ages in those areas?

24. Mr. CITARELLA said he was puzzled by the difference between the figure of 600,000 given in the report for the population of Bhutan in 1996 and that of 1,900,000 cited in the Human Development Report 1997 published by the United Nations Development Programme (UNDP).

25. What was Bhutan's policy on the death penalty, particularly regarding juveniles?

26. Ms. SARDENBERG, referring to the document Bhutan 20/20: A Vision for Peace, Prosperity and Happiness, inquired about its relationship to children's rights and its political visibility, specifically with regard to children.

27. According to the written replies, the village block had become the basic unit for socio-economic plans. She wished to know more about the role of children in that context, for instance how they related to elders, the family and village representatives, and how children's rights were reflected in what seemed to be a commendable participatory process.

28. According to paragraph 48 of the core document (HRI/CORE/1/Add.105), the Monk Body was headed by the Je Khenpo (spiritual head), who was equivalent in status to the King. It would be interesting to hear how the spiritual leader interacted with the country's political leaders and how children were affected by their interaction.

29. It was stated in the written replies that information on the revised structure and the mandate of the Child Rights Task Force would be provided in Bhutan's next periodic report to the Committee. Had the Task Force already been established and could it be viewed as a mechanism that was specially designed to monitor implementation of the Convention?

30. She inquired about the impact on children of the conflict situation in the south of the country.

31. Ms. TIGERSTEDT-TÄHTELÄ joined Ms. Karp in urging Bhutan to develop a comprehensive law on children incorporating the provisions of the Convention. Such a project would, among other things, assist the administration and the judiciary in understanding the principles involved. Children themselves could be encouraged to contribute to the process, for example through discussions at school.

32. The budget placed considerable emphasis on the social sector. A number of development programmes had been launched with bilateral and multilateral support, especially from the Asian Development Bank (ADB). Of course, the country could not always rely on donor support. It was important to assess the effectiveness of such programmes in terms of targeting and outcomes and to ensure that wasteful overlapping was avoided. What action had been taken to increase public revenue, for example through a broadening of the tax base, and to promote cooperation with the private sector?

33. Ms. Al-THANI, noting from the opening statement that 25.1 per cent of the national budget was now allocated to the social sector, asked to what extent children had benefited from that increase. What proportion of the budgetary allocation went to the Ministry of Education and Health and, within that allocation, how much was earmarked for education and how much for health?

34. It was to be hoped that when child refugees returned to Bhutan from Nepal, they would enjoy the same treatment as other Bhutanese children. She asked whether any provision had been made in the budget for their education, health and other forms of welfare. There were reports that schools in southern Bhutan had been closed down and that the children in certain areas (Lhotshampas) were receiving no health care. Were there indicators, such as mortality rates or school enrolment ratios, that could be used to compare their status with that of other Bhutanese children?

35. The CHAIRPERSON asked how the work of the various government bodies dealing with children's rights issues was coordinated.

36. According to the written replies, complaints about violations of children's rights could be lodged with the courts, the police, teachers, village headmen and local government officials. He asked how accessible the courts were for children. For instance, did they have access to legal assistance or was priority given to more informal complaints procedures through teachers, local authorities and other parties?

37. He gathered from the delegation's opening statement that some children who had been educated to a high level had trouble finding employment in Bhutan. Was there any employment scheme to create jobs for young people who might otherwise be compelled to leave the country?

38. Ms. KARP asked whether the Government had adopted a time frame for the adoption of the draft Administration of Juvenile Justice Act and the draft law on immoral trafficking. With decentralization efforts under way, how did the State party ensure that there were no regional disparities in the provision of services to children? Had it set a schedule for the implementation of its educational and health-related development programme? It was not advisable to designate the same body - in the case of Bhutan, the Ministry of Health and Education - as both the focal point for the implementation of the Convention and the body responsible for monitoring implementation, as monitoring required a degree of independence. She would appreciate more information on the role and mandate of the recently-established Youth Development Fund. While the Government had taken the commendable step of adopting multisectoral programmes, it provided them with no specific budgets. How were they implemented? Lastly, had any studies been conducted to reveal how various target groups benefited from international cooperation?

The meeting was suspended at 11.25 a.m. and resumed at 11.50 a.m.

39. Mr. NGEDUP (Bhutan) acknowledged that Bhutan had ratified only two of the major international human rights treaties: the Convention on the Elimination of Discrimination against Women and the Convention on the Rights of the Child. The Government had found that it was not simple to apply those two instruments, as the country lacked the required expertise, personnel and legal mechanisms. In such circumstances, it was advisable to bolster the country's ability to implement human rights instruments before ratifying more. The Government was therefore concentrating on training legal experts and building institutions. It had recently established a Department of Legal Affairs, which would eventually lead to the establishment of the Office of the Attorney-General and the Ministry of Law and Justice. The Ministry of Foreign Affairs had set up an International Conventions Division to deal with treaties. The Government needed time to establish institutions capable of implementing international human rights treaties.

40. Mr. TSHERING (Bhutan) said that the judiciary had been separated from the legislative and executive branches of the Government in 1968, and its independence had been strengthened in the early 1990s. There were currently 45 law graduates serving in the courts, and some 50 more were expected to return from studies in other countries to work for the judiciary. To further strengthen its independence, the National Assembly was expected in the near future to adopt a Judicial Services Act, along with a Civil and Criminal Procedure Code which upheld many of the basic principles of good governance. An entire chapter of the latter was devoted to

the question of juvenile justice, and had been drawn up in conformity with the provisions of the Convention. The Government was currently drafting a juvenile justice bill which would serve as a landmark for the protection of children's rights and freedoms.

41. To the best of his knowledge, the Convention had not been invoked in court. However, the approach adopted by the Bhutanese judiciary in respect of juveniles was generally quite liberal. Since the signing of the Convention in 1990, the National Assembly had endeavoured to incorporate its provisions into domestic law. While certain laws dating from the 1980s contained provisions with different minimum ages for girls and boys, the Marriage Act had been amended in 1996, with the minimum age set at 18 for both sexes. Since then, the courts had taken 18 as the age of majority for both sexes and for all purposes. All children were entitled to support in the amount of 20 per cent of their parents' income until they reached majority, regardless of whether they had been born out of wedlock.

42. Replying to Mr. Doek, he said there was no specific time frame for the adoption of the Administration of Juvenile Justice Act and the draft law on immoral trafficking. Since the devolution of executive power to the elected members of the Council of Ministers, the National Assembly's workload had been very heavy, requiring it to set its own priorities for the adoption of legislation.

43. Mr. NGEDUP (Bhutan) said that it was not uncommon in Bhutan to find teenagers in primary schools, although their number had gradually been decreasing in recent years. By the time such students finished their basic education they were by virtue of their advanced age ready for employment. The Government provided them with vocational training programmes in a number of fields for the final two or three years leading up to the age of 18, which was the minimum age of employment. Many young people faced unemployment at the end of their schooling, often because their aspirations were particularly high. Students finishing their courses often wanted to find white-collar jobs. The Government would have to step up its career counselling services, and would soon establish a multisectoral task force to address the matter. By October the task force would begin visiting each secondary school to discuss future employment prospects and to hear students' concerns.

44. The main aim of the task force set up with the help of UNICEF was to advocate for multisectoral involvement in support of the Convention. Funding was provided by UNICEF and the Government. The Government had expressed the wish to make the task force a permanent institution, but it had not yet done so. Any advice or recommendations from the Committee would be welcome in that respect.

45. Discrepancies in data on Bhutan's population were the result of a very rough population estimate done when the country had joined the United Nations in the early 1970s. Statistics had been completely lacking at the time. While a figure of 1 million had been submitted, it had subsequently become clear that the population was closer to 600,000. The Government was gradually carrying out a census, but it was a difficult task owing to the lack of communications and the rough terrain, and reliable disaggregated data on the population would not be available for at least a few years.

46. Mr. CHOPHEL (Bhutan) said that health facilities were functioning fully in southern Bhutan, with the exception of certain areas where security considerations made access difficult. The Ministry of Health and Education and its partners had been actively disseminating information on the rights of the child in recent years, and the Ministry had dedicated the new millennium to the children of Bhutan. It had produced a wide range of educational and information material on children's rights and related issues. The media too were actively disseminating information on children's rights.

47. The most important resource produced by the Government in recent years was the resource guidebook, the cover of which showed a child in the centre of the Buddhist mandala symbol, expressing the centrality of children as a Government philosophy. The guidebook, which defined responsibilities for the realization of children's rights at the various levels of Government, had been signed by the Head of Government and had been translated into two local languages. Notwithstanding scarce resources, and although the rights-based approach had only recently been adopted, there was no lack of political will for the implementation of the Convention in Bhutan.

48. Mr. NGEDUP (Bhutan) said that the approach of Bhutan to the matter of children had traditionally been based on the concept of needs rather than that of rights; the Government was aware of the difference between those two approaches. It needed, however, to bring about change slowly, and to amend its laws accordingly. The trend was toward a child-centred approach, and Vision 2020 viewed the child as central to the pursuit of gross national happiness.

49. Historically, the Government of Bhutan had been a dual governance system, in which the spiritual leader and the temporal leader had coexisted. With modernization, the temporal head had taken the executive role more forcefully. Although the spiritual branch was represented in the National Assembly and the Cabinet, it took a passive role except in spiritual matters. UNICEF had decided to promote its advocacy programme for children through the spiritual branch, because the Bhutanese people accorded great importance to their spiritual institutions.

50. The Government had created the Health Trust Fund in order to ensure the permanent availability of vaccines and essential drugs, with emphasis on the needs of children. Sufficient moneys had been raised to endow the fund, and had been placed in an international investment, with the stipulation that they could not be used for any other purpose. Similarly, the Government had provided $1 million as seed money for the Youth Development Fund.

51. Ms. PENJOR (Bhutan) said that, although the Youth Development Fund relied on external sources, a national funding agency had been set up to address the need to raise sustaining funds within the country. Senior Government officials sat on its board, and it enjoyed royal patronage as well as contributions from the private sector. It provided services in such areas as career counselling, skills development and the disbursement of scholarships, with emphasis on disadvantaged, delinquent, handicapped, unemployed and out-of-school youth and children. The Youth Development Fund worked closely with the Government in the provision of services: she was pleased at the growing role of NGOs in national development.

52. Mr. NGEDUP said that Bhutan was an agrarian society which had only recently been monetized. Until the 1960s, it had had a subsistence economy that relied largely on barter. The Government had naturally had to move slowly in the establishment of a taxation policy. The farming community, which accounted for 79 per cent of the population, paid little or no taxes. The National Assembly had considered the establishment of a personal income tax, but had determined that the inability of many Bhutanese to pay would have serious ramifications. It had also concluded that such a measure would have an adverse effect on the growth of the economy. The Government was, however, slowly moving in the direction of sustainability. Bhutan had great potential in the area of hydropower, the export of which could generate revenues that would decrease the country's dependence on international assistance and allow it fully to implement the provisions of the Convention.

53. Mr. KESANG said that the central aspiration of the Government of Bhutan was the achievement of sustainable development; it wished to do so, however, in a harmonious manner that balanced mankind and nature, and material and spiritual well-being. The goal was to achieve adequate revenue generation from domestic sources. Currently, international revenue represented 50 per cent of total development expenditures. Investments were being made in the hydropower industry and other key industries, with emphasis on the development of trade relations with Bhutan's neighbours, and, in the near future, with the wider world. Bhutan was in the process of becoming a member of the World Trade Organization (WTO). The central goal was to maximize economic development for the benefit of the population. Although Bhutan continued to rely on external funds, especially in the social sector, the generation of revenue from international commerce was encouraging.

54. Ms. KARP cited the report to the effect that discrimination ran counter to the values of Bhutanese society. Yet discrimination, within the scope of the Convention, referred not only to deliberate discrimination, but to discrimination that arose, for instance, from the unequal distribution of resources to children, which allowed some children to enjoy rights more fully than others. When, for example, persons were declared by the State to be anti-nationals, that surely had an impact on the rights of their children. The Government should ponder the enjoyment of rights by immigrant children, children of non-citizens, children belonging to families moving from the countryside to the towns and disabled children.

55. According to Bhutanese law, children of divorced couples remained in the custody of their mothers until the age of 9, and could then choose between mother and father. She would like to know whether children under 9 could be placed with fathers when doing so was in their best interests, and whether a procedure existed to help children make that difficult custody decision.

56. She had been distressed to learn of the law providing for the eviction of citizens who were classed as anti-nationals, and the law that required all relatives of anti-nationals to retire from Government service, and wondered whether the Government had considered the impact of those measures on the children of such persons. Likewise troublesome was the retroactive assessment of nationality, which she feared would leave some children without families.

57. She was also concerned by the lack of confidentiality in the provision of health services, since apparently adolescents were often reluctant to seek assistance because they were afraid to reveal their nationality. In addition, she would like to know how many of the children living in the camps in southern Bhutan had been separated from their families, and what measures the Government had undertaken in the area of family unification.

58. Although the Government claimed that no child abuse existed in Bhutan, child abuse was a worldwide, human problem. She would like to know whether studies had been undertaken to determine the extent of child abuse, particularly sexual abuse, and whether measures had been established to train professionals to treat victims and to assist them during court proceedings.

59. Mr. CITARELLA said that, as he understood it, the central preoccupation of Bhutan was the protection of the traditional culture and way of life. He would like to know how that concern affected persons of Nepalese origin, both citizens and non-citizens, who made up 35 per cent of the population. Furthermore, it would be helpful to know, with reference to freedom of thought, conscience and religion, what problems had arisen in relation to religious minorities.

60. The CHAIRPERSON said that detailed information would be welcome on the treatment of religious minorities, since, according to recent reports, Christians had been informed that they must abandon their faith or leave the country.

61. Ms. SARDENBERG, noting that only 62 per cent of girls were enrolled in school, as compared to 82 per cent of boys, inquired whether the Government had considered the adverse consequences of inheritance laws that favoured girls over boys, as they apparently encouraged girls to drop out. In addition, she would like to know why women represented 60 per cent of the civil service but were not represented in other areas of the Government.

62. More information would be welcome about laws forbidding religious proselytising and conversion. With reference to article 7, she would like to know the Government policy on birth registration, as the report indicated that birth certificates were not issued. She wondered, as well, whether violence was a problem in Bhutanese society, whether corporal punishment was banned in the schools and what was the attitude of parents towards punishment. Finally, she wondered whether, and in what ways, children were involved in the village-level consensus process.

The meeting rose at 1 p.m.